



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SEP 01 2015

Honorable Patricia Murphy, Mayor
Town of New Milford
Town Hall
10 Main Street
New Milford, Connecticut 06776

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
Century Enterprise Center
New Milford, Connecticut
EPA ID: CTD000847707

Dear Mayor Murphy:

This is in response to the Town of New Milford (the "Town") notification¹ for approval of a proposed plan to address PCB contamination at the property known as the Century Enterprise Center located on Aspetuck Ridge Road in New Milford, Connecticut. The building contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.61 for unrestricted use. The Town is proposing to remove all PCB-contaminated building materials and soil with greater than (" $>$ ") 1 part per million ("ppm") and asbestos containing materials ("ACM") and then demolish the building (hereinafter the "Site").

In its Notification, the Town has proposed the following PCB and ACM abatement plan (see Notification Figure 3 for identified locations) based on the funding that is available:

- T4-6 concrete slab (to a minimum depth of 2 inches) will be removed and disposed of as a greater than or equal to (" \geq ") 50 ppm PCB waste;
- T1 soils located in SB-7A area and SB-9A area will be removed and disposed of as a \geq 50 ppm and less than (" $<$ ") 50 ppm PCB waste, respectively;
- T3 soil shall be removed and disposed of as a $<$ 50 ppm PCB waste;

¹ Information was prepared by TRC Environmental Corporation on behalf of the Town to satisfy the requirements under 40 CFR §§ 761.61(a) and (c). Attachment 2 provides a list of supporting information for the Phase III project ("Administrative Record") which EPA considered for this Approval. All submittals in their entirety are considered "the Notification".

- Building slab located at B38 and B39 sample locations will be removed and disposed as a < 50 ppm PCB waste;
- Building-wide milled concrete will be removed and disposed of as a < 50 ppm PCB waste;
- Drain lines, associated piping and residuals will be removed and disposed as a \geq 50 ppm PCB waste or, alternatively additional sampling will be conducted to confirm PCB concentrations for off-site disposal;
- Acid lines and overlying concrete will be removed and disposed of as a < 50 ppm PCB waste;
- Exterior soil at sample location E4-B14 and outside the electrical room will be removed and disposed as a < 50 ppm PCB waste;
- Concrete foundation exterior to the electrical room will be removed and disposed as a < 50 ppm PCB waste;
- Concrete slab located in the lumber storage/box shop area will be removed and disposed as a < 50 ppm PCB waste; and,
- Verification samples will be collected from remaining soil and concrete to confirm PCB concentrations are \leq 1 ppm.

The Town has determined that building caulk and glazing which have PCB concentrations at < 50 ppm meet the criteria for an *Excluded PCB Product* under § 761.3. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for decontamination of surfaces that are in contact with the < 50 ppm PCB products. While these products are not addressed in this Approval, the Town is proposing to remove the PCB products containing PCBs with greater than (“>”) 1 ppm but < 50 ppm and to manage these products in accordance with the Connecticut Department of Energy and Environmental Protection (“CTDEEP”) regulations.

In its Notification, the Town has proposed a minor deviation from the sampling required under Subpart O for concrete and sub-slab soils located in the lumber storage/box shop area. Based upon the sampling to-date and the additional, proposed sampling following concrete and soil removal, this sampling is reasonable for purposes of confirming that the PCB cleanup standard has been met.

The Town may proceed with its project in accordance with 40 CFR §§ 761.61(a) and (c); its Notification; and, this Approval, subject to the conditions of Attachment 1. If the current level of funding is insufficient to complete the above PCB-related activities, the PCB work remaining outstanding shall be completed when additional funding is available. In this event, the Town shall be responsible for securing the Site and ensuring that PCBs remaining at the Site are not posing an unreasonable risk to health or the environment.

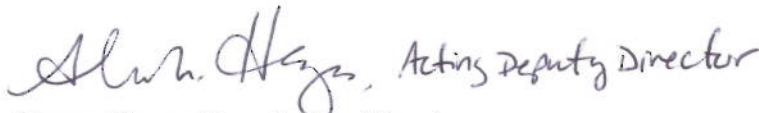
EPA encourages the compliance with greener cleanup practices for all cleanup projects, and recommends adherence to the ASTM Standard Guide to Greener Cleanups E2893-13 ("Guide") for work conducted under this Approval and the Notification. Greener cleanups is the practice of integrating options that minimize the environmental impacts of cleanup actions in order to incorporate practices that maximize environmental and human benefit. Please see Section 6 of the Guide for the Best Management Practices ("BMP") Process dated December 19, 2013. (See www.astm.org/Standards/E2893.htm for additional information) EPA encourages you to review the Guide and implement any practices that are feasible. If implemented, the PCB completion report should include a section on BMP Documentation, as described in Section 6.6.5 of the Guide.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527 / Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval, including documentation that all PCBs with > 1 ppm have been removed and disposed of in accordance with 40 CFR § 761.61. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nancy Barmakian", followed by the text "Acting Deputy Director" in a cursive script.

Nancy Barmakian, Acting Director
Office of Site Remediation & Restoration

cc: Michael Zarba, Director Town of New Milford DPW
Ed Doubleday, TRC Environmental Corporation
Gary Trombly, CTDEEP
File

Attachment 1 – PCB Approval Conditions
Attachment 2 – Administrative Record ("Notification")

ATTACHMENT 1:

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
CENTURY ENTERPRISE CENTER ("the Site")
ASPETUCK ROAD
NEW MILFORD, CONNECTICUT**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB remediation waste* located at the Site and identified in the Notification ².
2. The Town of New Milford ("the Town") shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The Town must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the Town shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The Town is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the Town has or receives information indicating that the Town or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.

² Information was prepared by TRC Environmental Corporation on behalf of the Town to satisfy the requirements under 40 CFR §§ 761.61(a) and (c). Attachment 2 provides a list of supporting information for the Phase III project ("Administrative Record") which EPA considered for this Approval. All submittals in their entirety are considered "the Notification".

7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the Town are authorized to conduct the activities set forth in the Notification. The Town is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the Town from compliance with any applicable requirements of federal, state or local law; or 3) release the Town from liability for, or otherwise resolve any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from the Town of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. The Town shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the activities that will be employed during abatement activities. At a minimum, this work plan should include details on containment and air monitoring; details on PCB waste storage, handling, and disposal; and, details on decontamination of field equipment and any other PCB-contaminated materials;
 - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

CLEANUP AND DISPOSAL CONDITIONS

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools or construction of a negative air containment system with a HEPA ventilation system to control emissions, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
13. The PCB cleanup standard for *porous surfaces* (i.e., concrete) and soil shall be less than or equal to (" \leq ") 1 part per million ("ppm") for unrestricted use or disposal. The PCB cleanup standard for *non-porous surfaces* (e.g., overhead cranes, steel beams) shall be less than (" $<$ ") 10 $\mu\text{g}/100\text{ cm}^2$ for unrestricted disposal and/or recycling.
 - a. PCB-contaminated wastes shall be removed and disposed of as detailed in the Notification, except as follows:
 - i) Concrete overlaying soil located in the T1 SB-7A area and T1 SB-9A area as shown on Figure 3 of the Notification shall be removed and disposed of as a greater than or equal to (" \geq ") 50 ppm and < 50 ppm PCB waste, respectively or alternatively, shall be sampled to determine PCB disposal requirements.
 - ii) Steel beams shall be disposed of as a ≥ 50 ppm PCB waste or alternatively shall be sampled to determine PCB disposal requirements.
 - iii) If samples are collected, sampling analytical results and proposed waste disposal details shall be submitted to EPA for review prior to removal of these wastes from the Site.
 - b. Verification samples for *porous surfaces* (e.g., concrete) shall be performed on a bulk basis (i.e., mg/kg). Verification sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, dated May 5, 2011, at a maximum depth interval of 0.5 inches. Samples shall be collected at the frequency detailed in the Notification.
 - i) Following initial scarification of the T4-6 concrete slab, samples shall be collected in accordance with the Subpart O sampling frequency to confirm that the ≥ 50 ppm PCBs have been removed. If the sample results confirm PCB concentrations are < 50 ppm, the remaining greater than (" $>$ ") 1 ppm PCB-contaminated T4-6 concrete may be removed and disposed as a < 50 ppm PCB waste. Alternatively, all T4-6 PCB-contaminated concrete shall be disposed as a ≥ 50 ppm PCB waste.

- c. Verification samples for bulk *PCB remediation waste* (i.e., soil) shall be collected on a bulk basis (i.e., mg/kg) and reported on a dry weight basis. Soil samples shall be collected at the frequency detailed in the Notification and from both excavation bottoms and sidewalls, as applicable.
 - d. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated in accordance with Subpart Q.
14. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61, unless otherwise specified below.
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under 40 CFR § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

15. The Town shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the Town to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or, if EPA finds that these activities pose an unreasonable risk to health or the environment.
17. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).

18. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
19. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

20. The Town shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by the Town in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
21. The Town shall submit a final PCB Completion Report ("Report") as both a hard copy and electronic version, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this Report shall include: a short narrative of the project activities with photo-documentation and Greener Cleanups BMP documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.
22. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
23. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1

ATTACHMENT 2

ADMINISTRATIVE RECORD ("NOTIFICATION") CENTURY ENTERPRISE CENTER NEW MILFORD, CONNECTICUT

Phase I PCB Source Removal Notification, December 2004

Addendum to Phase I Notification and Response to EPA comments, March 2, 2005

Phase II PCB Remediation Plan, Final, December 18, 2006

Soil analytical data for entry way outside electrical room, transmitted via email December 6, 2007

Interim Remedial Action Report, September 2014

Modified Self-Implementing Phase III PCB Remediation Plan, January 2015

Kimberly Tisa (USEPA) to Michael Zarba (Town of New Milford), EPA comments on January 2015 Modified Self-Implementing Phase III PCB Remediation Plan (received February 10, 2015), via email April 2, 2015

Michael Zarba (Town of New Milford) to Kimberly Tisa (USEPA), Responses to April 2, 2015 EPA comments on January 2015 Modified Self-Implementing Phase III PCB Remediation Plan, April 17, 2015

Michael Zarba (Town of New Milford) to Kimberly Tisa (USEPA), Summary of waste disposal volumes, via email dated May 22, 2015

Transmittal of revised Page 5-5 and Table 5-3 for Interim Remedial Action Report dated September 2014, via email dated June 12, 2015

Kimberly Tisa (USEPA) to Michael Zarba (Town of New Milford), EPA comments on January 2015 Modified Self-Implementing Phase III PCB Remediation Plan and April 17, 2015 Responses to EPA comments, via emails July 13 and July 14, 2015

Michael Zarba (Town of New Milford) to Kimberly Tisa (USEPA), Responses to July 13, 2015 EPA comments on January 2015 Modified Self-Implementing Phase III PCB Remediation Plan and April 17, 2015 Responses to EPA comments, July 31, 2015